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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,488	09/30/2003	Michael David Dobbs	200309170-1	1706

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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

SARPONG, AKWASI

ART UNIT	PAPER NUMBER
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2625

NOTIFICATION DATE	DELIVERY MODE
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06/22/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/676,488	Applicant(s) DOBBS, MICHAEL DAVID	
	Examiner AKWASI M. SARPONG	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/30/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the appeal filed on 11/14/2008, PROSECUTION IS HEREBY REOPENED. set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund (6147743) in view of Takeda (6204937).

Claim 1, Fredlund discloses an image reproduction apparatus (**Col. 2 lines 61-63, Scanner 22 shown in Fig. 2**) comprising:

a transparent scanning bed (**transparent Platen 12 shown in Fig. 2**) .

a scanning device (**Col. 2 lines 61-62-Scanner 22**) optically coupled to said scanning bed, (**Fig. 2 shows clearly that Scanner 22 is inside the scanning bed 12**) said scanning device

comprising a photoconductive platen (**Lens 28 shown in fig. 2**) configured to receive light reflected off of an object (**Col. 2 lines 63-65- thus when the lights reflects from the scanned object, lens 28 receives the reflected signals to be processed)** on said scanning bed (**transparent Platen 12 shown in Fig. 2**)) and an adjustable shade (**Col. 3 lines 21-25- thus the mask**) associated with said scanning bed (**Col. 3 lines 17-21- thus the mask is associated with the scanning bed because the series of mask is used during scanning**)

Fredlund does not disclose wherein said adjustable shade is configured to be selectively extended from a position adjacent said scanning bed to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade and

an underside of said shade presented to said scanning device through said bed being colored such that said scanning device outputs no image when scanning said underside of said shade thereby effectively reducing a size of said scanning bed.

Takeda discloses wherein said adjustable shade (**Col. 5, Lines 54-65, Fig. 8, El 42L, NB: understands that plate 42 is a shade because it shield light and it also adjustable because the user can move the plate by motor 41 and screws 44**) configured to be selectively extended from a position adjacent said scanning bed (**Col. 6 lines 12-22, Fig. 8, El. 42 or light shielding plate, thus the plate extend from an edge of the scanner because as the plate moves in A direction as shown in fig. 8, the shield extends in the X or horizontal axis and the rotation of Nuts 43 (L and R) extends the plate in the Y or vertical direction**) to cover a portion of said scanning bed including from an edge of said scanning bed to a leading edge of said adjustable shade (**Col. 1, Lines 59-67, Fig. 8, El. 42 (L and R) , understands that since plates 42(L and R) is in between the plates and the original image it shields or blocks light and it also covers unwanted portions of the original image depending upon the users preference**) and an underside of said shade presented to said scanning device (**Fig. 8 shows the top view of the scanning device and therefore the underside of plates 42 (L and R) will be facing the scanning device**) through said bed being colored such that substantially no light is reflected onto said photoconductive platen (**Col. 6 lines 1-5, Fig. 8, Plates 42 (L and R) - thus the plates will not be transparent since its purpose is the shield or block light during scanning**) when scanning said underside of said shade thereby effectively reducing a size of said scanning bed. (**Abstract lines 9-12, thus when plate 42 shields or blocks light it also covers unwanted portion of the original image so that the unwanted portion can not be reproduced**). Therefore it will be obvious to one ordinary skilled in the art at

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the time the invention was made to modify Fredlund's series of Mask to include Takeda's light shielding plates which will shield or block lights from scanning a certain portion within a document and therefore remove unwanted portions of the documents from being scanned. Unlike Fredlund, Takeda will not need a series of mask, instead the light shields is adjustable to cover the preferred portion of the image to be scanned and therefore this will enable users to avoid scanning documents that they do not want.

Claim 2, Fredlund in view Takeda discloses wherein said scanning device comprises a light source **(Fredlund: Col. 2 line 64- thus the flash lamps 24)** configured to illuminate said scanning bed such that said platen obtains a latent image of said object on said scanning bed. **(Fredlund: Col. 2 lines 63-68- thus the flash lump and the mentioned illumination source provides light during scanning)**

Claim 3, Fredlund in view Takeda discloses wherein said scanning bed is configured to receive a document. **(Fredlund: Col. 4 lines 18-20- thus the mask or covered picture is placed on the platen).**

Claim 4, Fredlund in view Takeda wherein said scanning bed comprises glass. **(Fredlund: Col. 2 lines 61- 65- thus the scanning bed can be a glass since it is transparent).**

Claim 5, Fredlund in view Takeda wherein said scanning bed comprises plastic. **(Fredlund: Col. 2 lines 61- 65- thus the scanning bed can be a glass since it is transparent).**

Claim 6, Fredlund in view Takeda discloses wherein said adjustable shade comprises an opaque material. **(Fredlund: Col. 3 lines 20-26- thus the mask is a cardboard and therefore it will be an opaque material).**

Claim 7, Fredlund does not disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

Takeda disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism. **(Col. 6, lines 12-20- thus when the light shield is moved by the motor the plates stays and locked at the place for the scanning operation to take place).** Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made so the when the plate moves it will be able to stay and shield the light the scanning operation. The will control the light shield and therefore will give a better image.

Claim 8, Fredlund in view Takeda discloses wherein said opaque material is coiled around said shade reel. **(Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates when retracted will be coiled to its location)**

Claim 9, Fredlund in view Takeda discloses further comprising an adjustable shade disposed on each side of said scanning bed. **(Takeda: Col. 6 lines 34-35- thus the if the shield can take different forms of shape and therefore if it is a rectangular shape then each of the four sides has to be at each side of the scanner bed.)**

Claim 10, Fredlund in view Takeda discloses wherein said adjustable shades (Takeda: Col. 5, Lines 54-65, Fig. 8, EI 42L, NB: understands that plate 42 is a shade because it shield light and it also adjustable because the user can move the plate by motor 41 and screws 44) are coupled to said image reproduction device and said adjustable shades are configured to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted by a spring and lock mechanism. (Takeda; Col. 6 lines 12-20- thus in order for the shield to create the shade or shield the light , the plates has to stay at least for the duration of scanning operation or for the duration of the exposure lump is working, therefore Takeda will inherently disclose drawn the shade and maintaining it for the length of time).

Claim 11, Fredlund discloses a method of adjusting a target area of an image reproduction apparatus (Col. 4 lines 16-19- thus the mask is used to define a target area within the image) comprising:

Fredlund does not selectively covering an edge of a scanning bed by drawing a shade over said edge of said scanning bed

placing said object on said drawn shade; and scanning said object; wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed.

Takeda discloses selectively covering an edge of a scanning bed by drawing a shade over said edge of said scanning bed (**Col. 6 Lines 12-22, Fig. 8 El. 42 (R and L)-thus motors 41L and R moves or draw the shielding plates from the edges of the scanner beds**).

placing said object on said drawn shade; and scanning said object; wherein an underside of said shade that is presented to said scanning bed is colored such that said scanning outputs no image of said underside of said shade thereby effectively reducing a size of said scanning bed. (**Col. 6 lines 1-5, Fig. 8, Plates 42 (L and R) - thus the plates will not be transparent since its purpose is the shield or block light during scanning**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Fredlund's copying machine to include Takeda's light shielding plates which will shield lights and therefore remove unwanted portions of the documents from being scanned. This will enable users to avoid scanning documents that they do not want.

Claim 12, Fredlund in view Takeda discloses wherein said drawing a shade comprises: measuring a distance from said shade to a furthest point of a certain condition; and extending said shade equal to said distance. (**Takeda: Col. 5, lines 61-67 It is inherent that Takeda teaches that the user has to know the measurement of the area of the document he wants to scan and operates the device to accomplish as such**).

Claim 13, Fredlund in view Takeda discloses wherein said shade comprises an opaque material wherein said opaque material is configured to prevent the scanning of an object. **(Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates are opaque material since it is blocking light).**

Claim 14, Fredlund discloses an optical scanner **(Col. 2 lines 61-62- thus Scanner 22 is optical scanner because it is coupled with flash lamps and illumination source).**

Fredlund does not disclose that the scanning device is with an adjustable shade comprising: a shade reel disposed at an edge of a scanning bed of said optical scanner; and a shade coupled to said shade reel, wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings when scanning said underside of said shade thereby effectively reducing a scan target area of said optical scanner.

Takeda discloses a scanner with an adjustable shade comprising: a shade reel disposed at an edge of a scanning bed of said optical scanner; **(Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates when retracted will be coiled to its location)** and a shade coupled to said shade reel, wherein an underside of said shade that is presented to said scanning bed is colored such that said optical scanner does not output any image markings **(Col. 6 lines 1-5, Fig. 8, Plates 42 (L and R) - thus the plates will not be transparent since its purpose is the shield or block light during scanning)** when scanning said underside of said shade thereby effectively reducing a scan target

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area of said optical scanner. **(Abstract lines 9-12, thus when plate 42 shields or blocks light it also covers unwanted portion of the original image so that the unwanted portion can not be reproduced)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made to modify Fredlund's mask to include Takeda's light shielding plates which will shield lights and therefore remove unwanted portions of the documents from being scanned. This will enable users to avoid scanning documents that they do not want.

Claim 15, Fredlund in view Takeda wherein said shade comprises opaque material that is concentrically wrapped around said shade reel. **(Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates are opaque material since it is blocking light)**.

Claim 16, Fredlund does not disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

Takeda disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism. **(Col. 6, lines 12-20- thus when the light shield is moved by the motor the plates stays and locked at the place for the scanning operation to take place)**. Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made so the when the plate moves it will be able to stay and shield the light during scanning operation. The will control the light shield and therefore will give a better image.

Claim 17, Fredlund in view Takeda discloses wherein said adjustable shades (Takeda: Col. 5, Lines 54-65, Fig. 8, EI 42L, NB: understands that plate 42 is a shade because it shield light and it also adjustable because the user can move the plate by motor 41 and screws 44) are coupled to said image reproduction device and said adjustable shades are configured to be drawn to a desired length, maintain said desired length for a desired length of time, and to be retracted by a spring and lock mechanism. (Takeda; Col. 6 lines 12-20- thus in order for the shield to create the shade or shield the light , the plates has to stay at least for the duration of scanning operation or for the duration of the exposure lump is working, therefore Takeda will inherently disclose drawn the shade and maintaining it for the length of time).

Claim18, Fredlund in view Takeda discloses wherein an underside of said shade is configured to reflect an emitted light. (Takeda: Col. 5 lines 54-60- thus the plates reflects the light that is why it shields light instead of absorbing light)

Claim 19, Fredlund in view Takeda discloses wherein said underside of said shade is white. (Fredlund: Col. 2 lines 65-67- thus it is obvious that the underside of the light shield 36 will be white and any other color that will serve the purpose).

Claim 20, Fredlund discloses a scanning device (Fredlund: Col. 2 lines 61-62- Scanner 22) for eliminating unwanted areas of a scanned image (Fredlund: Col. 3 lines 20-28 thus the mask is use as a shield which will block or cover part of the

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document) said scanning device comprising means for scanning; **(Fredlund: Col. 3 lines 30-32-thus scanner 22 scans the picture on the platen)**

Fredlund does not disclose means for selectively covering edges of a scanning bed such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed wherein said means for covering edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning.

Takeda discloses means for selectively covering edges of a scanning bed **(Col. 6 lines 12-22, Fig. 8, El. 42 or light shielding plate, thus the plate extend from an edge of the scanner because as the plate moves in A direction as shown in fig. 8, the shield extends in the X or horizontal axis and the rotation of Nuts 43 (L and R) extends the plate in the Y or vertical direction)** such that said means for scanning outputs no image markings when scanning said covered portions of said scanning bed **(Col. 1, Lines 59-67, Fig. 8, El. 42 (L and R) , understands that since plates 42(L and R) is in between the plates and the original image it shields or blocks light and it also covers unwanted portions of the original image depending upon the users preference)** wherein said means for covering edges of said scanning bed are configured to selectively and statically reduce an effective scanning area of said means for scanning. **(Abstract lines 9-12, thus when plate 42 shields or blocks light it also covers unwanted portion of the original image so that the unwanted portion can not be reproduced)**. Therefore it will be obvious to one ordinary skilled in the art at the

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time the invention was made to modify Fredlund's copying machine to include Takeda's light shielding plates which will shield lights and therefore remove unwanted portions of the documents from being scanned. This will enable users to avoid scanning documents that they do not want.

Claim 21, Fredlund in view Takeda discloses wherein said means for scanning comprises a scanning unit (**Scanner 22 shown in fig. 2**) optically coupled to said scanning bed, (**Col. 2 lines 61-62- thus Scanner 22 is optical scanner because it is coupled with flash lamps and illumination source**).

Claim 22. Fredlund in view Takeda discloses wherein said means for selectively covering comprises: a shade reel, and an opaque material coupled to said shade reel. (**Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates are opaque material since it is blocking light**).

Claim 23, Fredlund does not disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism.

Takeda disclose wherein said adjustable shade further comprises a shade reel including a spring and a lock mechanism. (**Col. 6, lines 12-20- thus when the light shield is moved by the motor the plates stays and locked at the place for the scanning operation to take place**). Therefore it will be obvious to one ordinary skilled in the art at the time the invention was made so the when the plate moves it will be able

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to stay and shield the light the scanning operation. The will control the light shield and therefore will give a better image.

Claim 24, Fredlund in view Takeda discloses that the scanning device further comprising using said shade to prevent said scanning from imaging a spine of a bound volume. **(Takeda: Col. 6 lines 12-22, Fig. 8, El. 42- thus the plates are opaque material since it is blocking light and therefore prevents scanning of the unwanted documents).**

Claim 25, Fredlund in view Takeda discloses further comprising using said shade to prevent said scanning from imaging a notation on a document. **(Takeda: Col. 6 Lines 1-5, Fig. 8 El. 42(L and R) clearly shows that these elements are used for shielding light from the light source).**

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AKWASI M. SARPONG whose telephone number is (571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on 571-272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

AMS
06/03/2009